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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,108	10/09/2003	Darold Dean Tippey	17,738	8216
23556 75	590 09/19/2006		EXAMINER	
	CLARK WORLDWID	BUI, LUAN KIM		
401 NORTH LAKE STREET NEENAH, WI 54956		ART UNIT	PAPER NUMBER	
,			3728	
		DATE MAILED: 09/19/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Antique Occurrence	10/682,108	TIPPEY, DAROLD DEAN				
Office Action Summary	Examiner	Art Unit				
	Luan K. Bui	3728				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the o	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 8/106	S & 8/30/06					
· = · ·	action is non-final.					
	<del>, _</del>					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-35 is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)⊠ Claim(s) <u>10-34</u> is/are allowed.						
6)⊠ Claim(s) <u>1-9 and 35</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correcti	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).				
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)	)-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau	ı (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)	_					
Notice of References Cited (PTO-892)     Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview Summary Paper No(s)/Mail Da					
Notice of Draftsperson's Patent Drawing Review (PTO-948)     Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P					
Paper No(s)/Mail Date	6) Other:					

#### **Continued Prosecution Application**

1. The Request for Continued Examination (RCE) filed on 8/30/2006 under 37 CFR 1-114 based on parent Application No. 10/682,108 is acceptable and a RCE has been established. An action on the RCE follows.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1, 5, 6, 9 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (5,377,837) in view of The Great Britain Patent Application No. 2 310 652 to Bennet (hereinafter Bennet) and Bauer et al. (5,934,470; hereinafter Bauer'470). Roussel discloses a package (1, 2) in the embodiment of Figures 8-10 comprising an enclosed compartment (2) having a pair of oppositely aligned walls (4, 5) and a perimeter, an array of compressible articles (31) retained in the enclosed compartment and the articles having at least one planar surface aligned substantially parallel to at least one of the pair of oppositely aligned walls and being held in compression in a direction that is substantially perpendicular to the planar surface, expansion means (6) including a pliable member (8) for allowing the enclosed compartment to be enlarged and a release strip (18) bridging the expansion means and capable of being at least partially removed to allow the enclosed compartment to be enlarged by the pliable member. Roussel

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further discloses opening means (27, 29, 30) for allowing the package to be opened so the articles can be removed from the enlarge compartment and other limitations of the claims except for the pliable member being position about the entire perimeter in lieu of at least one of the pair of oppositely aligned walls.

Bennet shows a package (10) comprising an enclosed compartment having a pair of oppositely walls (14, 24) and a perimeter and expansion means (26) positioned about the entire perimeter. The package can be enlarged by disconnecting the connections (28) disposed about the entire perimeter of the package (Figure 4). It would have been obvious to one having ordinary skill in the art in view of Bennet to modify the package of Roussel so the pliable member of the expansion means is positioned about the entire perimeter to facilitate expanding. To the extent that Roussel fails to teach the opening means, Bauer'470 teaches a package (10) for compressed articles (11) having opening means (17) for allowing the package to be opened so that the articles can be removed. It would have been obvious to one having ordinary skill in the art in view of Bauer'470 to modify the package of Roussel so it includes opening means for allowing the package to be opened so the articles can be removed from the enlarge compartment to provide more convenience for the user.

As to claims 5 and 6, Roussel discloses the package and the expansion means formed from the same material/integral (Figure 8). As to claim 9, Figure 1 of Roussel shows the expansion means allows the volume of the enclosed compartment to be enlarged by at least about 5%.

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4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Helfer-Grand (6,427,839). Roussel further fails to show the pliable member being an elastic material. Helfer-Grand teaches a package having expansion means (131) formed from elastic material (Figure 2 and column 7, lines 47-51). It would have been obvious to one having ordinary skill in the art in view of Helfer-Grand to modify the expansion means of Roussel as modified so the pliable member comprises an elastic material/stretchable/separate to allow the package for better expansion and contraction.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Wright (3,145,840). Roussel further fails to show at least one of the pair of oppositely aligned walls being a semi-rigid material and the material being formed from cardboard. Wright suggests a container (9) having at least a pair of oppositely aligned walls and the walls formed from cardboards (column 2, lines 1-4). It would have been obvious to one having ordinary skill in the art in view of Wright to modify the walls of Roussel as modified so at least one of the pair of oppositely aligned walls formed from cardboard/semi-rigid for better protecting the articles disposed within the package.

## Allowable Subject Matter

6. Claims 10-34 are allowed.

Response to Arguments

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Applicant's arguments with respect to 8/1/2006 have been considered but are deemed to be most in view of the new grounds of rejection.

Applicant argues that Roussel and Bennet fail to teach or disclose the opening means is noted. This is not persuasive because Roussel discloses the opening means (27, 29, 30, see Figures 10).

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb

September 15, 2006

Luan K. Bui Primary Examiner

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